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EXAMINER

KAZIMI, H	
ART UNIT	PAPER NUMBER

2765
DATE MAILED:

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Response Due 07/27/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

1 MAY 00 11: 48

Office Action Summary

Application No.
09/238,821

Applicant(s)

Bigus

Examiner

Hani Kazimi

Group Art Unit
2765



☒ Responsive to communication(s) filed on Jan 28, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-52 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-52 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2, and 4

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

1. This application has been reviewed. Original claims 1-52 are pending. The rejections cited are as stated below:

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 46 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular, there is no interrelationship between the preamble and the body of the claim. The preamble of the claim calls for an apparatus for servicing a customer, it is unclear how the limitations in the claim provide the actual service to the customer. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before

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the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 11, 13, 14, 18, 34, 36, 37, and 41 are rejected under 35 U.S.C. 102(e) as being anticipated by Camaisa et al. US Pat. No. 5,845,263.

Claims 11, and 34, Camaisa discloses a method for servicing a customer (abstract), said method comprising the steps of:

transmitting a menu, said menu being transmitted as a wireless transmission (column 6, lines 26-37, and figs 6-15);

displaying said menu via a customer device positioned within range of said wireless transmission (column 4, lines 37-58, and figs 8-12); and

receiving order information from said customer device (column 5, line 59 thru column 6, line 37, and figs 14, and 15).

Claims 13, 14, 36, and 37, Camaisa teaches that the order information includes user selection information regarding said available items, and payment information (abstract, and figs 6-15).

Claims 18, and 41, Camaisa teaches the step of displaying said order information (fig. 15).

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Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 148 USPQ 459, that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or unobviousness.

8. Claims 1-10, 12, 15-17, 19-33, 35, 38-40, and 42-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Camaisa et al. US Pat. No. 5,845,263.

Claims 1, 3, 9, 12, 20, 22, 24, 26, 32, 35, 43, and 45, Camaisa teaches a method for servicing a customer (abstract), said method comprising the steps of:

transmitting information about available items, said information being transmitted as a wireless transmission (column 6, lines 26-37, and figs 6-15); and

displaying said information about available items via a customer device positioned within

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range of said wireless transmission (column 4, lines 37-58, and figs 8-12); and

receiving order information from at least one customer device positioned within range of said wireless transmission (column 5, line 59 thru column 6, line 37, and figs 14, and 15).

Camaisa fails to explicitly teach that the information about available items is repeatedly transmitted.

Official notice is taken that broadcasting and repeatedly transmitting information is old and well known in the art.

It would have been obvious to one of ordinary skilled in the art at the time the applicant's invention was made to modify the teachings of Camaisa to include the step of repeatedly transmitting information about available items because, Camaisa uses a wireless network including a radio frequency (rf) or infrared (IR) transmitter for transmitting control signals (column 6, lines 26-37), one of ordinary skilled in the art would be motivated to do so, because it provides convenience to the user, and it greatly improves the marketing aspects of the system.

Claims 2, 21, 25, and 44, Camaisa teaches that the information about available items is a menu (figs 6-15).

Claims 4, and 27, Camaisa teaches that the order information includes user selection information regarding said available items (figs 14, and 15).

Claims 5, and 28, Camaisa teaches that the order information includes payment

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information (abstract, and figs 6-15).

Claims 6, 10, 15, 19, 29, 33, 38, and 42, Camaisa teaches that the order information is displayed by user I.D., table No., seat No., and order No. (Fig. 14).

Camaisa fails to teach that the order information is displayed by vehicle identification information.

Official notice is taken that using vehicle identification information is old and well known in the art.

It would have been obvious to one of ordinary skilled in the art at the time the applicant's invention was made to modify the teachings of Camaisa to include the steps of using and displaying vehicle identification information because, Camaisa uses a wireless network including a radio frequency (rf) or infrared (IR) transmitter for transmitting control signals (column 6, lines 26-37), one of ordinary skilled in the art would be motivated to do so, because it provides convenience to the user, and it greatly improves the efficiency of the system.

Claims 7, 8, 16, 17, 30, 31, 39, and 40, Camaisa teaches the steps of:

validating said order information (column 8, line 63 thru column 9, line 6, and figs. 14, and 15); and

accepting said order information when said order information is valid (column 8, line 63 thru column 9, line 6, and figs. 14, and 15).

Camaisa fails to explicitly teach the steps of rejecting said order information when said

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order information is not valid, transmitting acceptance information to said client device when said order is valid; and transmitting error information to said client device when said order is not valid.

Official notice is taken that transmitting acceptance and/or error information from server to client is old and well known in the art.

It would have been obvious to one of ordinary skilled in the art at the time the applicant's invention was made to modify the teachings of Camaisa to include the steps of rejecting said order information when said order information is not valid, transmitting acceptance information to said client device when said order is valid; and transmitting error information to said client device when said order is not valid because, it greatly improves the efficiency of the system, and provides a system that is user friendly.

Claim 23, Camaisa teaches the step of receiving aural order information from an order station (column 8, lines 8-15).

Claims 46-52, Camaisa teaches an apparatus for servicing a customer (abstract), said apparatus comprising:

- a processor (figs 1, and 2);

- memory connected to said processor (figs 1, and 2);

- a mechanism for transmitting a menu via a wireless transmission wherein said wireless transmission is designed to be received by a customer device when in range of said transmission (column 6, lines 26-37, and figs 6-15);

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a mechanism for displaying said menu (column 4, lines 37-58, and figs 8-12);

a mechanism for transmitting order information, said order information being based upon said menu (figs. 1-3).

a mechanism for receiving order information from said customer device, said order information being generated based upon said menu (column 5, line 59 thru column 6, line 37, and figs 14, and 15).

Camaisa fails to explicitly teach that the information about available items is repeatedly transmitted.

Official notice is taken that broadcasting and repeatedly transmitting information is old and well known in the art.

It would have been obvious to one of ordinary skilled in the art at the time the applicant's invention was made to modify the teachings of Camaisa to include the step of repeatedly transmitting information about available items because, Camaisa uses a wireless network including a radio frequency (rf) or infrared (IR) transmitter for transmitting control signals (column 6, lines 26-37), one of ordinary skilled in the art would be motivated to do so, because it provides convenience to the user, and it greatly improves the marketing aspects of the system.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Montague et al. US Patent 5,504,589 Apr. 2, 1996.

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b) Ishikawa et al. US Patent 5,590,407 Dec. 31, 1996.

c) Cohen et al. US Patent 5,999,934 Dec. 7, 1999.

d) Bottum US Patent 6,014,569 Jan. 11, 2000.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hani Kazimi whose telephone number is (703) 305-1061. The examiner can normally be reached Monday-Friday from 8:30 AM to 5:00 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allen MacDonald, can be reached at (703) 305-9708.

The fax number for Formal or Official faxes to Technology Center 2700 is (703) 308-9051 or 9052. Draft or Informal faxes for this Art Unit can be submitted to (703) 308-5357.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Hani.Kazimi

April 23, 2000


ERIC W. STAMBER
PRIMARY EXAMINER